

**ROBERT B. MORRISON, CPA  
13659 PROVIDENCE ROAD, SUITE F  
MATTHEWS, NC 28104**

200340



March 20, 1999

Mr. Muthu Sundram, Assistant Regional Counsel  
Office of Regional Counsel  
New Jersey Superfund Branch  
U.S. Environmental Protection Agency  
290 Broadway, 17<sup>th</sup> Floor  
New York, NY 10007-1866

**RECEIVED**

**MAR 26 1998**

In re: Response to Request for Information on Remedial Investigation/Feasibility  
Study at the LCP Chemicals, Inc. Superfund Site, Linden, New Jersey

Dear Mr. Muthu,

The letter written to John F. Finn in connection with UltraPure Compressed Gases has been forwarded to me for response. I have attached a list of answers to the proposed questions, but let me outline the UltraPure Compressed Gases involvement in the above referenced inquiry.

UltraPure was a company formed in late 1990 in a business transaction by purchasing certain assets from Union Carbide Corporation (UCC) and entering into a contract to purchase Liquid Hydrogen from UCC. The liquid hydrogen was transported into the facility at the Foot of South Wood Avenue in Linden, NJ by UCC and stored in a tank that was rented from UCC. The facility was rented from LCP Chemicals. The only business that UltraPure conducted was to sell the hydrogen by transferring it into smaller containers, cylinders and tube trailers, in a gaseous state for certain customers. UltraPure never manufactured any product nor did it ever discharge anything into the ground. The venture, not being profitable, lasted some 16 months and in early 1992 closed and was dissolved. Because of the losses incurred, UltraPure was technically bankrupt, as there were no assets accumulated.

Because much time has passed and the location of anyone who was active with the business is unknown, this information is recalled to the best knowledge available. Furthermore, no records could be located relating to this business venture.

Respectfully submitted,

Robert B. Morrison, CPA

Cc: Patricia Simmons, Remedial Project Manager

## ANSWERS TO REQUEST FOR INFORMATION

1. (a.) ULTRAPURE COMPRESSED GASES, INC.  
(b.) PRESIDENT- THOMAS SABINO.  
(c.) New Jersey- UNKNOWN.  
(d.) This information has not been obtained as all records have been discarded or lost.  
(e.) ULTRAPURE was not a subsidiary, had neither subsidiaries nor any affiliates.
2. To the best knowledge available, no permits were required or issued pursuant to the Resource Conservation and Recovery Act. Nor did it have any EPA Identification number.
3. No property is currently owned, leased or maintained at the LCP Chemicals site. During the period in business, approximately late 1990 to early 1992, the property at the Foot of South Wood Avenue in Linden, NJ was rented. The lease is not available as it is discarded or lost.
4. The details and map are discarded or lost.
5. There are no current operations nor have there been any since early 1992. The extent of business conducted was for the distribution of compressed Hydrogen from a stationary ground storage unit into tube trailers and cylinders. In doing so, UltraPure followed all applicable rules and regulations as required by Federal Hazardous Materials Regulations as set forth in Title 49 Code of Federal Regulations and the Compressed Gas Association. There has been no history of any incident or an event meeting incident reporting requirements as required by CFR 49 sec. 171.15 or 171.16 at this site. Also, under "Hazardous Substances" section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9601 (14), Compressed Hydrogen is neither listed nor designated. Furthermore, Appendix A to 172.101 CFR 49 – "List of Hazardous Substances and Reportable Quantities" does not list Compressed Hydrogen. This list fulfills the requirement of CERCLA, 42 U.S.C. 9601 (a) \, that all "hazardous substances" as defined in 42 U.S.C. 9601 (14), be listed and regulated as hazardous materials under the Hazardous Materials Transportation Act. That definition includes substances that are listed under sections 311(b)(2)(A) and 307(a) of the Federal Water Pollution Control Act, 33 U.S.C. 1321(b)(2)(A) and 1317(a), section 3001 of the Solid Waste Disposal Act, 42 U.S.C. 6921, and section 112 of the Clean Air Act, 42 U.S.C. 7412. In addition, this list contains materials that the Administrator of the Environmental Protection Agency has determined to be hazardous substances in accordance with section 102 of CERCLA, 42 U.S.C. 9602. Furthermore, in Appendix B to 172.101 CFR 49 – "List of Marine Pollutants", again Compressed Hydrogen is not listed. This appendix lists potential marine pollutants as defined in CFR 49 sec. 171.8. All personnel records were with the company paperwork that has been discarded when the company was dissolved.
6. No.

7. No hazardous substances, hazardous wastes and/or "CERCLA waste material" were handled in the operation of the business entity.
8. Because the company was not involved in hazardous materials, hazardous waste, or "CERCLA waste materials", no lagoons, impoundments or storage tanks were used.
9. The company was not involved in hazardous materials, hazardous waste, or "CERCLA waste materials". Therefore, no documents exist.
10. The company was not involved in hazardous materials, hazardous waste, or "CERCLA waste materials" including halogenated or non-halogenated organic chemicals. Therefore, no dates exist where any were released.
11. The company was not involved in hazardous materials, hazardous waste, or "CERCLA waste materials". Therefore, no person has any knowledge.
12. The company was not involved in hazardous materials, hazardous waste, or "CERCLA waste materials". Therefore, no leases, contracts, permits, or other written agreement exists.
13. The Company ceased business in early 1992. Therefore all company records have not been located including any contracts or agreements.
14. To the best knowledge available, no insurance policy currently or ever existed.
15. UltraPure Compressed Gases, Inc. ceased business and was in technical bankruptcy. No formal bankruptcy was filed for in as much as no assets existed.
16. To the best knowledge available, there is no additional information to assist the EPA to identify sources who disposed of hazardous materials, hazardous waste, or "CERCLA waste materials".
17. To the best knowledge available, there are no documents regarding any additional business entities that had any kind of connection to LCP Chemicals, Inc.
18. ROBERT B. MORRISON  
13659 Providence Road, Suite F  
Matthews, NC 28104  
Tele: 704-814-4820  
Certified Public Accountant
19. John F. Finn, to the best of his knowledge, assisted in general information regarding this response.
20. Certification of Answers attached.

**CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION**

State of NORTH CAROLINA

County of MECKLENBURG

I certify under penalty of law that I have personally examined and am familiar with the Information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

ROBERT B MORRISON  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

[Signature]  
SIGNATURE

Sworn to before me this

18<sup>th</sup> day of March, 1998

[Signature]  
Notary Public

COMMISSION EXPIRES AUG. 11, 2000



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

FEB 18 1999

EXPRESS MAIL  
RETURN RECEIPT REQUESTED

John F. Finn, President  
FIBA Compressed Gas Equipment/  
Ultra Pure Compressed Gases  
P.O. Box 897  
97 Turnpike Road  
Westboro, MA 01581-0897

Re: General Notice for Remedial Investigation/Feasibility Study at the LCP Chemicals, Inc. Superfund Site, Linden, Union County, New Jersey, Demand for Past Costs, and Request for Information Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, et seq.

Dear Mr. Finn:

The U.S. Environmental Protection Agency ("EPA") has documented the release of hazardous substances into the environment at the LCP Chemicals, Inc. site (the "Site"), located in the City of Linden, Union County, New Jersey. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9601, *et seq.*, and in response to these releases and the threat of future releases, EPA has spent public funds and anticipates spending additional public funds.

The Site is located at the foot of South Wood Avenue, an industrial area bordering the Arthur Kill. The property is designated as Block 587 Lots 3.01, 3.02, & 3.03 in the Linden City Tax Map, and occupies approximately 26 acres. LCP Chemicals, Inc. purchased the property and the chlorine production facility at the Site from GAF Corporation in 1972. Products manufactured at the Site include chlorine, caustic soda, hydrogen, muriatic acid, anhydrous hydrogen chloride, and bleach. Portions of the Site and/or operations were leased to other companies. The Site was proposed for inclusion on the Superfund National Priorities List on September 25, 1997.

Under CERCLA and other laws, responsible parties may be held liable for any costs incurred by the government in taking response actions at the Site. The costs may include, but need not be limited to, expenditures for investigation, planning, clean up of the Site, and enforcement actions. Responsible parties may also be subject to orders requiring them to take response actions themselves. Based on available information, EPA believes that you may be a potentially responsible

party (PRP) with respect to this Site. Responsible parties under CERCLA include, among others, the current and past owners and/or operators of a facility from which there has been a release or there is a threatened release of hazardous substances, as well as persons who arranged for the transport for disposal or treatment of hazardous substances owned or possessed by such persons. By this letter, EPA notifies you of your potential liability with regard to costs incurred by the government in taking response actions at the Site. EPA encourages you to voluntarily perform or finance those response activities that EPA determines are necessary at the Site.

EPA conducted environmental sampling at the Site under the authority of CERCLA. Based upon the results of this sampling, EPA has determined that contamination is present in the soil, sediment, and nearby surface waters due to past disposal practices at the Site. EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

On July 27, 1998, the Site was included on the National Priorities List, established under Section 105 (a) (8) (B) of CERCLA, 42 U.S.C. § 9605 (a) (8) (B), and set forth at 40 C.F.R. Part 300, Appendix B.

At present, EPA is planning to conduct the following studies at the Site:

1. A remedial investigation (RI) to determine the nature and extent of the contamination at and emanating from the Site and to evaluate the threat that this contamination poses to public health and the environment.
2. A feasibility study (FS) to evaluate possible remedial alternatives to remove, treat, or contain the hazardous substances at the Site.

In addition to the above studies, other measures may be necessary to protect health, welfare, or the environment. These other measures may include, but are not limited to:

1. Implementation of initial remedial measures or removal actions, *e.g.*, securing the Site to prevent human contact with hazardous or toxic substances, and/or removal of contaminated material;
2. Design and implementation of any remedy for addressing soil, groundwater, surface water, and/or sediment contamination that is ultimately selected by EPA for the Site; and
3. Any monitoring and maintenance necessary after remedial measures have been completed.

Requests for Information and General Notice letters have been issued to the other PRPs (see enclosed list, "PRPs for the LCP Chemicals, Inc. Superfund Site"). A negotiation meeting between EPA and several of the previously-identified PRPs was held on January 20, 1999. This letter is being sent to you at this time based upon new information that EPA obtained as a result of this meeting.

By this letter, EPA wishes to determine whether you will voluntarily finance or perform the RI/FS for the Site. If you intend to participate in financing or performing the RI/FS, please contact EPA within fourteen (14) days of the date of your receipt of this letter. Any agreement by the PRPs to conduct the RI/FS must be memorialized in an administrative order on consent under CERCLA. A draft of the consent order is enclosed herewith. Please note that many of the provisions of the consent order are nationally consistent boilerplate provisions that the United States does not plan to negotiate. Please note further that EPA intends to negotiate one administrative order on consent with all PRPs who have submitted a good faith offer. It is presently our intention to complete our negotiations by March 31, 1999.

You will note that the enclosed administrative order on consent includes provisions regarding the payment of EPA's past costs at the Site. EPA has incurred at least \$85,601.98 in past costs as of August 18, 1998 and continues to incur costs. The costs incurred by EPA with respect to the Site are charged to the Hazardous Substance Superfund, established pursuant to 26 U.S.C. § 9507 and administered by EPA. As a PRP, you are potentially jointly and severally liable for EPA's costs, and interest. Demand is hereby made for payment of EPA's costs.

This notice is not being given under the special notice procedures of Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), as EPA does not believe that those procedures would facilitate an agreement or expedite the performance of an RI/FS at the Site.

This letter also seeks your cooperation in providing information and documents relating to the contamination at the Site. We encourage you to give this matter your immediate attention, and request that you provide a complete and truthful response to this Information Request and attached questions within thirty (30) days of your receipt of this letter.

Under Section 104(e) of CERCLA, EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of on a vessel or at a facility, or transported to a facility;
- B) The nature and extent of a release or threatened release of a hazardous substance, pollutant, or contaminant from a vessel or facility; and
- C) The ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return the Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in the instructions for responding to the request for information, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which will assist the Agency in its investigation of the Site, or may be responsible for the contamination at the Site, that information should be submitted to EPA within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 *et seq.*

Instructions on how to answer the questions in this letter can be found in the enclosed attachments.

Your response to this letter should be sent to:

Mr. Muthu Sundram  
Assistant Regional Counsel  
Office of Regional Counsel  
New Jersey Superfund Branch  
U.S. Environmental Protection Agency  
290 Broadway, 17th Floor  
New York, NY 10007-1866

with a copy to:

Ms. Patricia Simmons  
Remedial Project Manager  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency  
290 Broadway, 20th Floor  
New York, NY 10007-1866


Please note that if after submitting your response you obtain additional or different information concerning the matters addressed in this information request, it is necessary that you promptly notify EPA.

If you have questions about the history of the Site, the nature of the environmental conditions at the Site, the status of cleanup activities, or if you intend to participate in financing or performing the RI/FS please contact Ms. Simmons at (212) 637-3865. However, calls of a legal nature or requests from attorneys should be directed to Mr. Sundram at (212) 637-3148.



We appreciate your immediate attention to these matters.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'Richard L. Caspe', written over a horizontal line.

Richard L. Caspe, P.E., Director  
Emergency and Remedial Response Division

Enclosures

ROBERT B. MORRISON  
13659 PROVIDENCE RD.  
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MATTHEWS, NC 28104

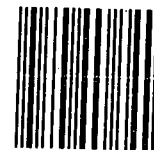
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